

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Carl-Axel Bauer et al. Art Unit :
Serial No. : Examiner :
Filed : Herewith
Title : NEW USE FOR BUDESONIDE AND FORMOTEROL

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Prior to examination, please amend the application as follows:

In the claims:

Amend claims 5, 6, 7, 8, and 10 as follows:

--5. Use according to claim 1 wherein the first active ingredient is formoterol fumarate dihydrate.

6. Use according to claim 1 wherein the molar ratio of the first active ingredient to the second active ingredient is from 1:555 to 2:1, preferably from 1:70 to 1:4.

7. Use of formoterol, a pharmaceutically acceptable salt or solvate thereof, or a solvate of such a salt in the manufacture of a composition as defined in claim 1 for use in the treatment of chronic obstructive pulmonary disease.

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Joanne D. Boyle
JOANNE D. BOYLE

8. Use of budesonide in the manufacture of a composition as defined in claim 1 for use in the treatment of chronic obstructive pulmonary disease.

10. A method for the treatment of a patient suffering from chronic obstructive pulmonary disease which method comprises administering to the patient via inhalation a therapeutically effective amount of a composition as defined in claim 1.--

[illegible]

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REMARKS

Claims 1 to 10 are pending in this application. Claims 5, 6, 7, 8, and 10 have been amended to delete multiple dependency. No new matter has been added.

Attached is a marked-up version of the changes being made by the current amendment.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

Nov. 13, 2001

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Version with markings to show changes made

In the claims:

Claims 5, 6, 7, 8, and 10 have been amended as follows:

5. Use according to [any one of the preceding claims] claim 1 wherein the first active ingredient is formoterol fumarate dihydrate.

6. Use according to [any one of the preceding claims] claim 1 wherein the molar ratio of the first active ingredient to the second active ingredient is from 1:555 to 2:1 preferably from 1:70 to 1:4.

7. Use of formoterol a pharmaceutically acceptable salt or solvate thereof or a solvate of such a salt in the manufacture of a composition as defined in claim 1 [or 2 or a kit as defined in claim 3 or 4] for use in the treatment of chronic obstructive pulmonary disease.

8. Use of budesonide in the manufacture of a composition as defined in claim 1 [or 2 or a kit as defined in claim 3 or 4] for use in the treatment of chronic obstructive pulmonary disease.

10. A method for the treatment of a patient suffering from chronic obstructive pulmonary disease which method comprises administering to the patient via inhalation a therapeutically effective amount of a composition as defined in claim 1 [or 2].